

Notice of Allowability

Application No.

10/517,850

Applicant(s)

WHEELER ET AL.

Examiner

Art Unit

Justin K. Holmes

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/27/05.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>12/14/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael B. Stewart, Esq. on March 30, 2007 at 2:00 pm. EST.

The application has been amended as follows:

Claims 9-11 have been cancelled.

Claims 9-11 were cancelled so that only claims 1-8 would remain pending.

Allowable Subject Matter

2. Claims 1-8 are allowed.

3. The following is an examiner's statement of reasons for allowance: The prior art of record does not render obvious a method for controlling automatic downshifting in a vehicular automated mechanical transmission system by determining an engine acceleration rate during a downshift from a currently engaged ratio to a desired downshift target gear ratio, determining if the engine acceleration rate is less than a free engine acceleration rate, whereby a false neutral condition is detected when the engine acceleration rate is less than the free engine acceleration rate and the remaining structure of claims 1 and 6.

The prior art of record does not render obvious a method for controlling automatic downshifting in a vehicular automated mechanical transmission system by determining an engine acceleration rate during a downshift from a

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currently engaged ratio to a desired downshift target gear ratio, determining if the engine acceleration rate is less than a free engine acceleration rate, and if not, then continuing with the downshift to the target gear ratio, and if so, then retaining the transmission in the currently engaged ratio and the remaining structure of claim 4.

The prior art of record does not render obvious a method for controlling automatic downshifting in a vehicular automated mechanical transmission system by determining an engine acceleration rate during a downshift from a currently engaged ratio to a desired downshift target gear ratio, determining if a difference between a free engine acceleration rate and the engine acceleration rate is greater than a predetermined value, and if not then continuing with the downshift to the target gear ratio, and if so, then retaining the transmission in a currently engaged ratio and the remaining structure of claim 5.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin K. Holmes whose telephone number is (571) 272-5930. The examiner can normally be reached on 8:00am to 4:30pm Monday-Friday.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 4,945,484 to Cote et al.; U.S. Patent No. 5,157,607 to Stainton et al.; U.S. Patent No. 4,702,127 to Cote; U.S. Patent No. 4,933,850 to Wheeler; U.S. Patent No. 5,974,354 to Janecke et al.; U.S. Patent No. 6,055,469 to Shoji et al.; and U.S. Patent No. 6,840,126 to Stine et al. all teach various transmission systems, however, all the references lack a teaching of comparing an engine acceleration rate to a free engine acceleration rate and detecting a false neutral condition.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKH 

3/30/07


SAUL RODRIGUEZ
PRIMARY EXAMINER
4/2/07